

## **Minneapolis City Planning Department Report**

Zoning Amendment (Rezoning), Conditional Use Permits, Site Plan Review, Variances

BZZ – 1378

**Date:** October 7, 2003

**Date Application Deemed Complete:** September 10, 2003

**End of 60 Day Decision Period:** November 9, 2003

**Applicant:** Oaks Hiawatha Station, LLC

**Address Of Property:** 4540 & 4544 Snelling Ave. S.; 3810 E. 46<sup>th</sup> St.

**Contact Person And Phone:** Norman Bjorness, Jr., 879-1804

**Planning Staff And Phone:** Jason Wittenberg, 673-2297

**Ward:** 12      **Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:**      4540 & 4544 Snelling Ave. S.: R1A  
                                 3810 E. 46<sup>th</sup> St.: C1

**Proposed Zoning:** OR2

**Zoning Plate Number:** 20

**Legal Description of Property Proposed for Rezoning:** Lots 12, 13, 14, 15, 16, 17, Block 2, A.S. Adams' Addition to Minneapolis, Hennepin County, Minnesota.

**Project Name:** Oaks Hiawatha Station

**Proposed Use:** Mixed use building with 61 dwelling units, two neighborhood serving retail sales and services uses of less than 2,000 square feet each, underground and at-grade parking.

**Conditional Use Permits:**

- Required for five or more new dwelling units as indicated in Table 547-1 of the zoning code.
- A conditional use permit to allow two neighborhood serving retail sales and services uses as required by section Table 547-1.

Minneapolis City Planning Department Report  
BZZ – 1378

**Site Plan Review:** Site plan review is required for any use containing five or more new or additional dwelling units as indicated in Table 530-1 of the zoning code.

**Variances:**

- Variance to reduce the required front yard setback along Snelling Ave. from approximately 58 feet (the setback established by the dwelling to the north) to 15 feet for the proposed mixed use building.
- Variance to allow a patio/plaza in the required 14-foot corner side yard setback along E. 46<sup>th</sup> St.
- Variance to allow a patio/plaza in the required front yard setback along Snelling Ave.
- Variance to allow a freestanding clock in the required front yard setback along Snelling Ave.
- Variance to reduce the required minimum lot area (after one applicable density bonus) from 601 square feet per dwelling unit to 562 square feet per dwelling unit, a variance of approximately 6.5 percent.
- Variance to reduce the required number of off-street parking spaces for a restaurant use from 22 spaces to 4 spaces.
- Variance to increase the maximum permitted height of a wall sign from 14 feet to 48 feet.

**Zoning Code Section Authorizing Proposed Variances:** 525.520(1), (2), (7), (21)

**Previous Actions:** N/A

**Concurrent Review:** Rezoning, conditional use permit, site plan review, and variances as noted above.

**Background:** The applicant proposes to construct a new mixed use development with 61 rental dwelling units and two ground level commercial uses at the northwest corner of E. 46<sup>th</sup> St. and Snelling Ave. S. The parcels in question are currently occupied by a vacant commercial building and a vacant dwelling. The northernmost parcel is currently vacant. The two northerly parcels have been owned by the Minneapolis Community Development Agency. Together, the parcels have 34,232 square feet of area.

The applicant has filed a conditional use permit to allow two neighborhood serving retail sales and services uses on the ground floor. Neighborhood serving retail sales and services uses in the OR Districts are limited to 2,000 square feet each and include the uses listed in section 5487.30 of the zoning code. Such uses include, for example, restaurants (sit down and delicatessen), barber/beauty shops, dry cleaning pick up stations, and hardware stores.

The project is located within a Transit Station Area (TSA), defined by the comprehensive plan as those areas within approximately one-half mile of the non-downtown LRT stations. The site is located within the area covered by the *46th & Hiawatha Station Area Master Plan*, which was adopted by the City Council on December 28<sup>th</sup>, 2001.

The applicant proposes 62 below grade off-street parking spaces accessory to the residential use and eight spaces at grade level accessory to the commercial uses. Staff is recommending modifications to the parking lot to increase the number of off-street parking spaces and thus reduce the extent of the

Minneapolis City Planning Department Report  
BZZ – 1378

requested parking variance. Staff has sketched two alternative parking lot designs that would provide a total of 12 spaces (eight for the restaurant use and four for the retail/service use).

The project qualifies for one density bonus for enclosed, underground parking for the residential use.

**Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The Minneapolis Plan indicates that the City should increase the number of households living in Minneapolis, and that “(t)he number of households from all walks of life who choose to make Minneapolis their home must continue to grow if the city’s neighborhoods are to remain economically, socially and physically vital.”

The property in question is located one block from the 46<sup>th</sup> Street LRT station, with rail service expected in April 2004. The City Council adopted changes to the Minneapolis Plan in 2002, adding Transit Station Areas (TSAs) to the areas within approximately one-half mile of light rail transit stations outside of downtown.

The OR2 District, as applied to the property in question, is consistent with the policies of the Minneapolis Plan as well as the plan adopted for the 46<sup>th</sup> Street station area. Planning staff has identified the following policies of the Minneapolis Plan as being relevant to the request to rezone the property to the OR2 District.

*Relevant policy:* **4.18.** Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

*Relevant Implementation Steps:*

- Concentrate highest densities and mixed-use development nearest the transit station and and/or along Commercial Corridors, Community Corridors and/or streets served by local transit.
- Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafes, dry cleaners, convenience grocery, etc.).
- Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

*Staff comment:* The OR2 District would allow higher density residential uses compared to the existing C1 and R1A Districts. The relatively high density allowed by the OR2 District is consistent with the policy of locating the highest density districts nearest the LRT stations. Further, the commercial services allowed in the OR2 District are generally small scale, neighborhood serving in nature.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The zoning change could be considered to be in the public interest to the extent that aspects of the OR2 District are supportive of more intensive residential development that would help area businesses thrive and capitalize on the public investment in LRT.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The applicant's property is located at the northwest corner of the intersection of 46<sup>th</sup> and Snelling. Properties in the immediate vicinity include the following mix of uses: drug store, automobile convenience facility, warehouse, single-family dwellings, a coffee shop, and a small-scale convenience grocery store. The OR2 District—a mixed use district that allows a fairly limited range of commercial uses—is compatible with the existing zoning classifications and uses.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses for the property under the existing C1 and R1A zoning classifications. The property in question could accommodate, for example, a variety of residential and commercial uses.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

With the LRT line and station currently under construction one block from the site, the city expects that many sites will be redeveloped with more intensive uses. Several moderate to large scale residential projects have been reviewed and approved by the City Planning Commission in the Hiawatha Corridor recently.

**Findings As Required By The Minneapolis Zoning Code For A Conditional Use Permit for the Proposed Dwelling Units:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

Minneapolis City Planning Department Report  
BZZ – 1378

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Provided a safe access circulation pattern is finalized with the Planning Commission and Public Works Department, construction of 57 or 61 dwelling units in a Transit Station Area would not prove detrimental to public health, safety, comfort or welfare.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed development would comply with the required setback along the one property line that is shared with a residential property. The Planning Department believes that replacing the existing vacant structures could stimulate rather than hinder additional redevelopment of underutilized properties in the area.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant proposes to have vehicles access the site from a new curb cut adjacent to the public alley along 46<sup>th</sup> Street, which is 14 feet in width. The Public Works Department has reviewed the preliminary plan and will review the final plan for issues such as drainage and public facilities. The applicant must work with staff to ensure that vehicle trips generated by commercial uses on the site do not use the public alley north of the site, which is use largely by residential uses.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The use would be located one block from an LRT station and numerous bus lines are proposed to use 46<sup>th</sup> Street under Metro Transit's proposed service realignment. The site is located on a heavily traveled street that acts as a principal connection between Minneapolis and St. Paul. The residential units would provide one space per dwelling unit and the applicant proposes a community vehicle, which could be used by tenants and could reduce the overall number of vehicles owned and operated by the building's tenants. The applicant has requested a variance to reduce the number of required off-street parking spaces for the commercial space. Given the small scale of the proposed commercial uses, congestion on area streets would not be affected substantially. The Public Works Department has indicated that the proposed parking bay on 46<sup>th</sup> Street will not be allowed.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The conditional use permit to allow 16 dwelling units within the proposed mixed use building is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Minneapolis City Planning Department Report  
BZZ – 1378

*Relevant Policy:* **4.18** Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

*Relevant Implementation Steps:*

- Concentrate highest densities and mixed use development nearest the transit station and/or along Commercial Corridors, Community Corridors, and/or streets served by local bus transit.

*Staff comment:* The proposed project is located one blocks from the 46<sup>th</sup> Street LRT station. The site is appropriate for high density housing.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, the proposal will comply with all provisions of the OR2 District.

**Required Findings for Major Site Plan Review**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FAÇADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.

Minneapolis City Planning Department Report  
BZZ – 1378

- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses shall be subject to section 530.110 (b) (1).**
  - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

*Conformance with above requirements:*

The building would create a street wall along 46<sup>th</sup> Street and the setback would be similar to many of the residential structures along Snelling Avenue. Natural surveillance would be optimized through generous use of windows in the proposed commercial space. Proposed Spruce trees, however, would hinder natural surveillance. Pedestrian access would be adequate to the commercial use. Staff is concerned about the layout of the parking lot and sidewalk connecting the south-facing residential entrance and the public sidewalk along 46<sup>th</sup> Street. The current alignment appears likely to entice residents to walk through the parking lot and alley, which creates unsafe conflicts between pedestrians and non-resident vehicular traffic. Staff recommends that the applicant work with staff to resolve this potential conflict through a revised configuration and/or strategically placed, decorative fencing.

The applicant requests a variance to construct up to the typical OR2 District setback along Snelling Avenue. A portion of the south elevation of the building would be constructed up to the corner side yard setback line along 46<sup>th</sup> Street while the applicant proposes to set part of the building in back of the parking lot. Staff recommends that the Commission grant alternative compliance to allow part (approximately 50 percent) of the south elevation to be set back more than eight feet from the required setback line along 46<sup>th</sup> Street.

The applicant proposes a landscaped plaza between the commercial tenants and the public sidewalks as well as landscaping between the building and the front lot line. The applicant proposes to remove trees from the public boulevard, which may be done only with the approval of the Minneapolis Park & Recreation Board staff.

The building would have principal residential entrance facing Snelling Avenue. Commercial uses would have entrances facing 46<sup>th</sup> Street as well as the east and west. Staff is concerned that one of the two principal entrances to the residential component would essentially face a parking lot and would not have a strong connection to the public street.

Minneapolis City Planning Department Report  
BZZ – 1378

Parking accessory to the residential use would be located below grade. Surface parking accessory to the commercial tenant(s) would be located in front of a portion of the south wall of the building. Staff recommends that the Commission grant alternative compliance since approximately half of the building would form an urban street wall and provided the applicant implements an exemplary landscaping and screening plan along 46<sup>th</sup> Street.

The building would include a good deal of architectural detail, including a cornice and parapet, and would make generous use of windows. The corner towers would project from the building to provide identifiable sections of the building. There are two sections of the front façade (facing Snelling Avenue) that include rather long sections without architectural detail, including just north of the commercial use and over the garage entrance. Architectural detail (such as soldier course brick) or windows should be added to these areas.

All sides of the building would be primarily brick.

Plain face concrete block would not be used as a primary exterior building material.

The principal residential entrance to the building on the front (east) façade is not sufficiently emphasized as called for by the regulations of Chapter 530. The applicant shall incorporate architectural features that provide a more visually prominent entrance. The elevations that have been submitted do not include the recessed portion of the south façade—the façade that also includes a principal residential entrance. Final elevations must include this portion of the building and also should include architectural features.

The building meets the required window area on all submitted elevations. The residential portion of the first floor of the east façade, facing Snelling Avenue, includes approximately 34.5 percent windows. Approximately 30 percent of the first floor residential area facing the parking lot on the west elevation would be windows. The submitted elevations do not include the south elevation of the recessed portion of the building. The final elevation must indicate at least 20 percent window area on the first floor of the south elevation for the residential component. The commercial portion of the first floor of the east façade includes approximately 94 percent windows. The commercial portion of the first floor façade (between two and 10 feet) facing the parking lot is entirely windows.

The parking garage would be located below grade.

#### **ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**



- **Site plans shall minimize the use of impervious surfaces.**

*Conformance with above requirements:*

All building entrances would be connected to the public sidewalks by walkways at least four feet in width.

The applicant is not proposing a transit shelter on the site.

Pedestrian-vehicle conflicts would be largely minimized. Staff is concerned, however, that residents walking from the residential portion of the building to the LRT station would be enticed to walk through the parking lot and public alley, creating an unsafe situation.

The alley adjacent to the site provides access to a number of residential properties north of the site in question. Although the Public Works Department has indicated that some access to the alley may be allowed for the patrons of the commercial uses, the proposal currently allows an unacceptable level of vehicular access to the public alley. The final design of the parking lot must discourage non-resident vehicles from using the portion of the public alley north of the site.

Snow storage must be relocated so that it does not take place on top of shrubs.

The applicant's preferred site plan does not minimize impervious surfaces to the extent practical. While a plaza may be appropriate along the heavily traveled 46<sup>th</sup> Street, staff recommends that at least 25 percent of the plaza area located in required yards and public right of way be permeable and landscaped to meet the intent of the OR2 District and the intent of the code provision calling for minimizing impervious surfaces. As shown, the parking lot layout is quite inefficient and includes an excess amount of impervious surface in the form of a larger-than-required drive aisle. The parking lot layout should be revised to include more parking or a smaller drive aisle.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

*Conformance with above requirements:*

The lot has 34,232 square feet of area. According to the applicant, the building would cover 16,608 square feet, leaving a net site area of 17,624 square feet. At least 20 percent of the net site area, or 3,525 square feet, must be landscaped as required by Chapter 530. The landscaped area on the site would be well in excess of 20 percent of the net site area. In the general landscaped area, four canopy trees and eighteen shrubs are required. The applicant's preliminary landscape plan meets these requirements.

The site has a required landscaped yard between the parking lot and the public sidewalk. The parking lot is approximately 60 feet wide from east to west. One tree must be provided for every 25 linear feet of parking lot fronting along the public street and screening must be added that would be at least 60 percent opaque (e.g., a three-foot-high hedge row). The applicant's current proposal to plant Spruce trees and Snowmound Spirea between the parking lot and the public sidewalk. Ornamental deciduous trees should replace the Spruce trees in this area to allow visibility in the area between three and six feet above ground.

The applicant proposes six inch by six inch curbing around the parking lot but is encouraged to explore opportunities for on-site filtration of storm water.

All areas not covered by parking, vehicle maneuvering, walkways or plazas would be landscaped or covered with turf.

Landscaping must be properly installed and maintain.

**ADDITIONAL STANDARDS:**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

*Conformance with above requirements:*

Lighting must comply with Chapter 535 of the zoning code, noted below. The parking lot must be adequately lighted.

**535.590. Lighting.** (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half ( 1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.

(4) Lighting shall not create a hazard for vehicular or pedestrian traffic.

Minneapolis City Planning Department Report  
BZZ – 1378

- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Headlight glare from exiting vehicles would not shine into nearby residential structures.

It does not appear that views of significant buildings or natural features would be blocked by the development.

Shadowing of the adjacent residential property would be minimized by the fact that the building would meet the required north side setback.

Wind currents should not be a major concern.

From a crime prevention standpoint, the applicant should indicate how the parking lot and all walkways will be lighted and should substantially reduce the proposed number of Spruce trees that would hinder natural surveillance.

The site does not include historically designated structures and is not located within a designated historic district.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE:** The applicant proposes OR2 zoning for the entire site, which allows a mix of residential and commercial uses.

**Parking and Loading:** Without taking advantage of any applicable parking reduction incentives, the applicant would be required to provide one space per dwelling unit. Sixty-two underground parking spaces are proposed accessory to the 61 proposed dwelling units. One retail use of less than 4,000 square feet would require four off-street parking spaces while the proposed restaurant area would require 22 spaces, bring the overall commercial parking requirement to 26 spaces. Eight off-street parking spaces are currently proposed for the non-residential uses.

**Signs:** The applicant proposes signs along 46<sup>th</sup> Street for the residential use. The applicant proposes a sign that identifies the building and year of construction near the top of the building, which requires a variance. The applicant must obtain permits for signs and all signs must meet the requirements of chapter 543 of the zoning code.

Minneapolis City Planning Department Report  
BZZ – 1378

**Minimum Lot Area per Dwelling Unit and Maximum Floor Area:** The maximum F.A.R. for a mixed use building in the OR2 District is 2.5. However, the project appears to qualify for a density bonus of 20 percent by providing all of residential parking within an enclosed building (section 547.130[a]). The bonuses increase the number of permitted dwelling units by 20 percent and increase the permitted floor area by 20 percent. The parking garage is not included in the calculation of gross floor area as noted in the definition of *Floor area, gross (GFA)* in section 520.160 of the zoning code. The zoning lot would have 34,232 square feet of area. The floor area calculations are as follows:

Lot area: 34,232 square feet

Based on this lot area, 48 dwelling units would be allowed without applicable bonuses ( $34,232 / 700$ ). A minimum of 700 square feet of lot area per dwelling unit is required in the OR2 District.

*Calculation of the bonus to increase the number of dwelling units by 20 percent:*

$$48 \times .20 = 9.6$$

$48 + 9 = 57 = 57$  units allowed with one density bonus. The applicant has requested a variance to reduce the minimum required lot area to allow an additional four dwelling units for a total of 61 units.

*Calculation of maximum F.A.R.:*

Lot area: 34,232 square feet

Maximum F.A.R.: 2.5

$$34,232 \times 2.5 = 85,580$$

$$85,580 \times .20 = 17,116$$

$85,580 + 17,116 = 102,696 =$  maximum permitted floor area with one density bonus. Since the applicant is proposing 64,400 square feet of gross floor area, the density bonus to increase the maximum permitted F.A.R is not needed. The applicant's proposed F.A.R. is 1.88.

**Height:** Building height in the OR2 District is four stories or 56 feet, whichever is less. The proposed building would be four stories and approximately 47 feet in height.

**Yard Requirements:** The following setbacks must be provided:

*Front* (along Snelling Ave.): 58 feet due to the setback established by the dwelling to the north of the site. The OR2 District standard is 15 feet. The applicant has requested a variance to reduce the required setback to 15 feet.

*Corner side yard* (along 46<sup>th</sup>): 14 feet

*Interior side* (along the north): 11 feet

Minneapolis City Planning Department Report  
BZZ – 1378

*Rear* (along alley): 11 feet. The plan must be revised so that the parking lot complies with the rear yard setback. Driveways leading to off-street parking are allowed in the rear yard setback while drive aisles to maneuver in and out of spaces are not allowed in the setback area as indicated in 541.250 of the zoning code.

**Specific Development Standards:** Restaurants are subject to the following specific development standards of section 536.20 of the zoning code:

*Restaurant, sit down.*

(1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

(2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

**Hours of Operation:** Residential uses are not governed by maximum hours of operation. The commercial uses would be limited to the following hours open to the public unless a conditional use permit is requested and granted to exceed the maximum hours open to the public:

Sunday through Thursday, from 7:00 a.m. to 10:00 p.m.

Friday and Saturday, from 7:00 a.m. to 11:00 p.m.

**Dumpster screening:** The proposed refuse storage container would be located near the south end of the parking lot.

**MINNEAPOLIS PLAN:** In addition to the policies noted above in the conditional use permit and rezoning analysis, the staff has identified the following relevant provisions of the comprehensive plan:

*Relevant Policy:* **4.19** Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

*Relevant Implementation Steps:*

- Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring the principal entrances open onto public sidewalks).
- Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

*Staff comment:* The proposed project is oriented largely toward the pedestrian and will be constructed up to the corner and will incorporate semi-public space and generous window area. The project will comply with the north side yard requirement and in excess of 20 percent of the net site area would be landscaped. The commercial component of the project will not encroach into the residential neighborhood.

*Relevant Policy:* **4.21** Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

*Relevant Implementation Steps:*

- Allow reductions in the minimum off-street parking requirements.
- Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.
- Provide density bonuses for land uses that provide parking underground or within structures.

*Staff comment:* The applicant has requested a reduction in the required number of off-street parking spaces. Staff is recommending partial approval of the parking reduction. The location of the at-grade parking lot and its affect on the route between the south-facing principal residential entrance is perhaps the weakest part of the development proposal. The applicant is eligible for a density bonus for enclosing all of the required residential parking.

### **Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

The *46th & Hiawatha Station Area Master Plan* was adopted by the City Council on December 28th, 2001. The plan envisions that the site and surrounding area will be developed with a mix of pedestrian-oriented commercial and residential uses.

The plan calls for limiting “most development at about four stories” in height and for retail uses to be located on the first floor of multi-story buildings. The plan proposes approximately 400 apartment or condominium units in the 46<sup>th</sup> Street station area. The plan also states that “reducing the number of parking spaces created is essential to reducing the amount of impervious cover.”

The project is consistent with the relevant recommendations from this adopted plan.

### **Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:**

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

Minneapolis City Planning Department Report  
BZZ – 1378

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**
- Staff recommends that the Commission grant alternative compliance to allow part (approximately 50 percent) of the south elevation to be set back more than eight feet from the required setback line along 46<sup>th</sup> Street provided a strong landscaping and screening plan (preferably including a decorative, wrought iron-style fence) is implemented between the parking lot and the public sidewalk along 46<sup>th</sup> Street.
- Staff recommends that the Commission grant alternative compliance since approximately half of the building would form an urban street wall and provided the applicant implements an exemplary landscaping and screening plan along 46<sup>th</sup> Street.

**Findings Required by the Minneapolis Zoning Code for the Proposed Variances:**

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

*Variance of front yard setback along Snelling Ave. for the proposed mixed use building:* The unusually large setback established by the existing single-family dwelling to the north of the site creates an unreasonable setback requirement on the site in question and would severely limit redevelopment of the property.

*Variance to allow patio/plaza in required corner side yard along 46<sup>th</sup> St.:* The applicant proposes a textured concrete patio adjacent to the proposed commercial tenants. The ordinance would allow only relatively modest walkways between the public sidewalk and the commercial entrances along 46<sup>th</sup> Street, which does not account for the commercial nature of this particular portion of 46<sup>th</sup> Street.

*Variance to allow patio/plaza in required front yard along Snelling Ave.:* The ordinance would allow only relatively modest walkways between the public sidewalk and the proposed commercial uses. However, staff does not believe that there is a compelling need to extend the plaza significantly north of the proposed customer entrance facing Snelling Avenue.

*Variance to allow a freestanding clock in the required front yard along Snelling Ave.:* The applicant proposes a clock of approximately 15 feet in height near the southeast corner of the lot. The fact that the location is commercial in nature and would allow a light pole of similar size causes a unique hardship for the applicant.

*Variance to reduce the minimum lot area:* After the applicable density bonus, the applicant would be required to provide 601 square feet of lot area per dwelling unit while the proposal would provide 562 square feet per dwelling unit. Planning staff believes that the applicant has



Minneapolis City Planning Department Report  
BZZ – 1378

reasonable use of the property without the granting of the variance that would allow an additional four dwelling units. While the zoning code calls for relatively high residential densities around LRT stations, the applicant already qualifies for one density bonus in a district that allows for high residential density. The zoning code would allow a density of 72.5 dwelling units per acre while the applicant proposes a density of approximately 77.5 dwelling units per acre.

*Variance to reduce the required number of off-street parking spaces:* Providing a modest amount of commercial space in a mixed use development poses unique parking challenges within an environment where the City has adopted a station area plan calling for flexibility related to minimum off-street parking requirements. Note, however, that the applicant can make more efficient use of space in the area available for off-street parking. Staff has altered the site plan in a manner that would provide a total of 12 spaces, eight of which could be credited toward the restaurant parking requirement. Note that the parking lot, including aisles, cannot be located in required setbacks (with the exception of driveways leading to and from the parking lot).

*Variance to increase the maximum permitted height of a wall sign:* Staff believes that it is reasonable to expect the applicant to comply with the sign requirements of Chapter 543 of the zoning ordinance. While staff appreciates the applicant's intent to recreate features found on historic buildings, the applicant should consider accomplishing this within the city's sign regulations.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

*Variance of front yard setback along Snelling Ave. for the proposed mixed use building:* The large setback of the dwelling to the north is relatively unique, was not created by the applicant, and is not generally applicable to other properties in the OR2 District.

*Variance to allow patio/plaza in required corner side yard along 46<sup>th</sup> St.:* Although the OR2 District is requested, the portion of 46<sup>th</sup> Street in question is commercial in nature and fronts along a heavily traveled street.

*Variance to allow patio/plaza in required front yard along Snelling Ave.:* The site in question has historically been used for commercial purposes, which is unique and not generally applicable to other properties with OR2 zoning.

*Variance to allow a freestanding clock in the required front yard along Snelling Ave.:* Although the applicant has essentially created the need for the variance, the zoning code does not recognize the unique circumstances related to the largely commercial area and the fact that a much larger light pole would be allowed in the same location as the proposed clock.

*Variance to reduce the minimum lot area:* While the proximity to a light rail station is a unique factor, the applicant has essentially created the need for the variance.

Minneapolis City Planning Department Report  
BZZ – 1378

*Variance to reduce the required number of off-street parking spaces:* It is unlikely that the applicant would have the ability to incorporate a restaurant use in the mixed use building with the granting of a variance. The zoning code parking standards have not yet been altered to reflect the proximity of light rail transit.

*Variance to increase the maximum permitted height of a wall sign:* Staff is not aware of a unique feature on the site or related to the surroundings that would justify the granting of the requested variance.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

*Variance of front yard setback along Snelling Ave. for the proposed mixed use building:* The dwelling to the north is set back significantly farther from the street than a typical single-family home in the city. The proposed front setback would meet the intent of the ordinance by providing a setback consistent with the base requirement in the OR2 District and consistent with some of the other dwellings on the block.

*Variance to allow patio/plaza in required corner side yard along 46<sup>th</sup> St.:* The intent of the setback requirement is to provide open yards in a residence or office-residence setting. However, the area fronting along 46<sup>th</sup> Street is not residential in nature. Provided the applicant increases the amount of landscaped and permeable area in the proposed plaza and that the textured concrete will be decorative in nature, staff believes the proposal would meet the intent of the ordinance, particularly given that the station area plan calls for wide walkways.

*Variance to allow patio/plaza in required front yard along Snelling Ave.:* While the area in question has historically been used for commercial purposes, staff is somewhat concerned that the proposed plaza is not compatible with the residential character of the block if it is both primarily a hardscape and encroaches significantly farther north along Snelling Avenue than the customer entrance that would face the east. The patio should be decorative in nature and well landscaped if it is to be located in the required setback.

*Variance to allow a freestanding clock in the required front yard along Snelling Ave.:* Given that a much larger (and less decorative) light pole could be installed in the same location, staff believes that the proposed clock would meet the intent of the ordinance provided that it is installed close to 46<sup>th</sup> Street (rather than along the more residential portion of Snelling Avenue), is kept in working order so as to not cause confusion and annoyance to the public, and that illumination of the clock complies with the lighting standards of the zoning code.

*Variance to reduce the minimum lot area:* Adding four dwelling units to the project would not conflict with the intent of the ordinance given that the floor area of the project is well below the maximum permitted F.A.R.

*Variance to reduce the required number of off-street parking spaces:* Staff is somewhat concerned about the extent to which the applicant proposes to reduce the required number of off-street parking spaces. With the proximity of the light rail transit station between a large residential population and an LRT station, it's expected that a significant percentage of the patrons would arrive to the site on foot.

*Variance to increase the maximum permitted height of a wall sign:* Staff is concerned about the potential precedent of allowing the proposed signage, which would essentially allow for advertising of rental property near the top of multi-family buildings.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

*Variance of front yard setback along Snelling Ave. for the proposed mixed use building:* Allowing the project to provide a front yard setback consistent with the base requirement in the OR2 District would not prove detrimental to public safety or welfare.

*Variance to allow patio/plaza in required corner side yard along 46<sup>th</sup> St.:* Having the plaza in the required corner side yard would not affect public safety or welfare.

*Variance to allow patio/plaza in required front yard along Snelling Ave.:* Having the plaza in the required front yard would not affect public safety or welfare.

*Variance to allow a freestanding clock in the required front yard along Snelling Ave.:* The proposed clock should not be a public safety hazard since it would not block traffic sight lines. Illumination of the clock must be subtle enough to not produce excessive glare.

*Variance to reduce the minimum lot area:* Whether the project generates substantial congestion of the public streets partly depends on the percentage of the project's households who are willing to own one or fewer vehicles. It is unlikely that granting the variance would substantially increase congestion of area streets and there is no evidence that the increased density would negatively affect public safety.

*Variance to reduce the required number of off-street parking spaces:* Although peak use of the restaurant tenant is likely to cause some parking congestion on Snelling Avenue, staff does not expect that the impact would be substantial if the applicant makes more efficient use of the space and increases the number of parking spaces in the parking lot to not less than 12 (including eight for the restaurant use). Note that the applicant also proposes to add on-street parking subject to the review and approval by the Public Works Department. The applicant should also promote alternative means of transportation to the site by providing bicycle parking to partially off-set the impact of the variance. To avoid having guests of residential tenants park in the parking lot for long periods of time, the applicant should install auxiliary signage indicating that the parking lot is for patrons of the businesses on the site during the hours of operation of those businesses.

Minneapolis City Planning Department Report  
BZZ – 1378

*Variance to increase the maximum permitted height of a wall sign:* Provided the sign would be discretely built in to the architecture of the building and thus would not be a distraction to motorists, it is unlikely that granting the variance would affect public safety or welfare in any way.

**Additional Criteria for the Variance/Sign Adjustment to Increase the Maximum Permitted Height of a Wall Sign:**

- 1) The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

It does not appear that granting the variance would significantly increase sign clutter. The sign would be relatively discreet and would be located well above the ground-level commercial signage.

- 2) The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

Staff has not received detailed information about the sign other than the fact that it would be flush with the building wall. If the sign would truly be integrated into the brick façade of the building, staff would agree that the sign could be classified as exceptional in design.

**CITY PLANNING DEPARTMENT RECOMMENDATIONS:**

**Recommendation Of The City Planning Department for the Zoning Amendment (Rezoning) Application:**

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the properties at 4540 & 4544 Snelling Ave. S. from the R1A District and the property at 3810 E. 46<sup>th</sup> St. from the C1 District, all to the OR2 District.

**Recommendation Of The Minneapolis City Planning Department for the Conditional Use Permit for the Proposed Dwelling Units:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow sixty one (61) dwelling units in a mixed use building at 4540 & 4544 Snelling Ave. S. and 3810 E. 46<sup>th</sup> St., subject to the following condition:

1. The number of dwelling units shall be limited to fifty seven (57) unless a variance is granted to reduce the minimum lot area per dwelling unit.

**Recommendation Of The Minneapolis City Planning Department for the Conditional Use Permit to Allow Two Neighborhood Serving Retail Sales and Services Uses:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application to allow two neighborhood serving retail sales and services uses at 4540 & 4544 Snelling Ave. S. and 3810 E. 46<sup>th</sup> St.

**Recommendation of the City Planning Department for the Site Plan Review Application:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for sixty one (61) dwelling units in a mixed use building located at 4540 & 4544 Snelling Ave. S. and 3810 E. 46<sup>th</sup> St., subject to the following conditions:

1. The number of dwelling units shall be limited to fifty seven (57) unless a variance is granted to reduce the minimum lot area per dwelling unit.
2. Removal of trees and/or placement of new trees in the public right of way shall be done only with the approval of the Minneapolis Park & Recreation Board.
3. Building entrances shall be revised and shall be clearly defined and emphasized through the use of architectural features or other details that express the importance of the entrance.
4. Not less than twenty five (25) percent of the proposed plaza area shall be permeable landscaped area.
5. The final parking lot layout shall comply with the rear yard setback and shall be designed to discourage use of the public alley north of the site.
6. The area between the parking lot and the public street shall be landscaped to the standards of section 530.160(b) of the zoning code.
7. The Planning Department shall review and approve the final lighting plan.
8. Vehicular access and the proposed on-street parking bay shall be subject to review and approval by the Public Works Department.
9. The Planning Department shall review and approve the final site plan, landscape plan and building elevations.
10. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit for exterior improvements.
11. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by October 24, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Recommendation of the City Planning Department for the Variance Application to Reduce the Required Front Yard Setback Along Snelling Ave. for a Mixed Use Building:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required front yard setback along Snelling Ave. from approximately 58 feet (the setback established by the dwelling to the north) to 15 feet for the proposed mixed use building at 4540 & 4544 Snelling Ave. S. and 3810 E. 46<sup>th</sup> St.

**Recommendation of the City Planning Department for the Variance Application to Allow a Patio/Plaza in the Required Corner Side Yard Setback Along 46<sup>th</sup> St.:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow a patio/plaza in the required 14-foot corner side yard setback along E. 46<sup>th</sup> St., subject to the following condition:

1. Not less than twenty five (25) percent of the proposed plaza area shall be permeable landscaped area.

**Recommendation of the City Planning Department for the Variance Application to Allow a Patio/Plaza in the Front Yard Setback Along Snelling Ave.:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow a patio/plaza in the required front yard setback along Snelling Ave., subject to the following conditions:

1. Not less than twenty five (25) percent of the proposed plaza area shall be permeable landscaped area.
2. The plaza shall not extend more than three (3) feet north of the customer entrance that faces Snelling Avenue.

**Recommendation of the City Planning Department for the Variance Application to Allow a Freestanding Clock in the Required Front Yard Along Snelling Ave.:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow a freestanding clock in the required front yard setback along Snelling Ave., subject to the following conditions:

1. The clock shall be kept in working order and shall be removed if it is essentially abandoned or is not functional for an extended period of time.
2. Illumination of the clock shall comply with the lighting regulations of Chapter 535 of the zoning code.

**Recommendation of the City Planning Department for the Variance Application to Reduce the Minimum Lot Area:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the minimum lot area per dwelling unit from 601 square feet (after one applicable density bonus) to 562 square feet for a proposed mixed use building at 4540 & 4544 Snelling Ave. S. and 3810 E. 46<sup>th</sup> St.

**Recommendation of the City Planning Department for the Variance Application to Reduce the Required Number of Off-Street Parking Spaces:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required number of off-street parking spaces for a restaurant from twenty two (22) spaces to eight (8) spaces in a proposed mixed use building at 4540 & 4544 Snelling Ave. S. and 3810 E. 46<sup>th</sup> St., subject to the following conditions:

1. No fewer than four (4) bicycle parking spaces shall be provided on the site. Bicycle racks shall allow for the locking of bicycles in a stable upright position in a location that allows for visual monitoring within twenty five (25) feet of a customer entrance. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

**Recommendation of the City Planning Department for the Variance Application to Increase the Maximum Height of a Wall Sign:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum permitted height of a wall sign from 14 feet to 48 feet on a proposed mixed use building at 4540 & 4544 Snelling Ave. S. and 3810 E. 46<sup>th</sup> St.